

**UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS**

SUMNER VENTURES, INC.,)
v.)
Plaintiff,) Case No. 4:09-mc-00148
BRITISH AMERICAN PROPERTIES)
MACARTHUR INN, LLC, THOMAS F.)
NOONS, and EDWIN W. LESLIE,)
Defendants.) Judge Vanessa D. Gilmore

RESPONSE TO MOTION TO DISMISS

The judgment creditor, Sumner Ventures, Inc., in opposition to defendant Thomas Noons and British American Properties MacArthur Inn, LLC's ("BAP MacArthur") Motion to Dismiss (Dkt. 3) states as follows:

1. Two of the judgment debtors, Thomas F. Noons and BAP MacArthur, have moved this Court to dismiss the registration of the Judgment issued by the U.S. District Court for the Middle District of Tennessee, and quash any executions issued thereon, on the basis that the Clerk registered the Judgment without the Tennessee Court having granted leave for the Judgment to be registered.

2. The judgment debtors' motion to dismiss is now moot. The Tennessee Court, by Order filed June 15, 2009, has granted plaintiff leave to register the Judgment against Mr. Noons and BAP MacArthur in the U.S. District Court for the Southern District of Texas. (See Ex. 1 hereto.)

3. Given that the only basis for the Motion to Dismiss was the absence of an Order from the Tennessee Court granting leave to register the Judgment as to those debtors, and given that the Tennessee Court has now issued such an Order, the judgment debtor's motion should be denied as moot.

Respectfully submitted,

s/Eugene N. Bulso, Jr.

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Attorneys for Plaintiff, Sumner Ventures, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2009, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification of such filing to Bernard William Fischman, The Ariel House, 8118 Datapoint Drive, San Antonio, Texas 78229.

s/Eugene N. Bulso, Jr.
Eugene N. Bulso, Jr.